

Appl. No. 10/734,005
Response dated July 7, 2008
Reply to Office Action of April 4, 2008

Remarks

Claims 1-22 are pending in the application. Claims 1-11, 13, and 19-22 have been previously withdrawn and are now canceled.

Claim 12 has been amended to further require that the at least one particle of at least one coating material is a solid particle, porous particle, or an agglomeration of particles. Support for this amendment can be found throughout the specification including page 5, lines 27-30. No new matter has been added.

Claim 12 has been amended to further require that the at least one particle of at least one coating material is a granule, pulverulent, powder, or sphere. Support for this amendment can be found throughout the specification including page 3, lines 6-13. No new matter has been added.

Claim 12 has been amended to further require that the association agent is selected from the group consisting of water, volatile organic solvent, aqueous solution of film-forming material, synthetic adhesive and mixtures thereof. Support for this amendment can be found throughout the specification including page 7, lines 21-26. No new matter has been added.

Claim 12 has been further amended to require that the crosslinking reagent is selected from the group consisting of ethyleneglycol diglycidyl ether, aluminum acetate, aluminum sulfate, glycerol, ethylene carbonate, quaternary amine, polyhydric alcohol, glycidyl compound, alkylene carbonates, silyl esters, tetramethoxy silane, and mixtures thereof. Support for this amendment can be found throughout the specification including page 8, lines 9-13. No new matter has been added.

Pursuant to 37 C.F.R. § 1.114, reconsideration of the present application in view of the foregoing amendment and remarks and the following response is respectfully requested.

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Response to Rejections

Claims 12, 14, and 16-17 have been rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 4,734,478 to Tsubakimoto et al. (hereinafter "Tsubakimoto"). This rejection is respectfully traversed as applied to the presently amended claims.

For anticipation under 35 U.S.C. § 102, a reference must teach every aspect of the claimed invention either explicitly or implicitly.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143. The application of the "teaching, suggestion, or motivation" (TSM) test is not "rigid." However, "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness" *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385, 1396 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)) (emphasis added).

Applicants' claim 12 requires, inter alia, introducing at least one particle of at least one coating material into a flowing gas stream. The Examiner states that the polyhydric alcohol of Tsubakimoto is the claimed coating material on the surface of the resin powder. Applicants' claim 12 has been amended to further clarify that the at least one particle of at least one coating material is a solid particle, porous particle, or an agglomeration of particles and is a granule, pulverulent, powder, or sphere.

Thus, the liquid polyhydric alcohol cited by the Examiner does not satisfy the claim limitations. Therefore, no *prima facie* case of anticipation or obviousness has been established with regard to Tsubakimoto. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection. Claims 14, 16, and 17 depend from claim 12 and are patentably distinct for at least the same reason.

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Claims 12 and 16 have been rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,597,873 to Chambers et al. (hereinafter "Chambers"). This rejection is respectfully traversed as applied to the presently amended claims.

The Examiner has identified the liquid crosslinker solution of Chambers as the "coating material" of Applicants' claims. (paragraph 5 of the Office Action mailed on 10/18/2007). As discussed above, Applicants' claim 12 has been amended to further clarify that the at least one particle of at least one coating material is a solid particle, porous particle, or an agglomeration of particles and is a granule, pulverulent, powder, or sphere. The liquid crosslinker solution of Chambers does not satisfy this claim limitation. Therefore, no *prima facie* case of anticipation or obviousness has been established with regard to Chambers. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection. Claim 16 depends from claim 12 and is patentably distinct for at least the same reason.

Claims 12 and 16 have been rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,239,230 to Eckert et al. (hereinafter "Eckert"). This rejection is respectfully traversed as applied to the presently amended claims.

The Examiner has identified the solution of HAA as the "coating material" of Applicants' claims. (paragraph 6 of the Office Action mailed on 10/18/2007). As discussed above, Applicants' claim 12 has been amended to further clarify that the at least one particle of at least one coating material is a solid particle, porous particle, or an agglomeration of particles and is a granule, pulverulent, powder, or sphere. The HAA solution of Eckert does not satisfy this claim limitation. Therefore, no *prima facie* case of anticipation or obviousness has been established with regard to Eckert. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection. Claim 16 depends from claim 12 and is patentably distinct for at least the same reason.

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Claims 12, 14 and 16 have been rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,329,565 to Dutkiewicz et al. (hereinafter "Dutkiewicz"). This rejection is respectfully traversed as applied to the presently amended claims.

The Examiner appears to equate the polyacrylic acid solution and/or Kymene of Dutkiewicz with the "coating material" of Applicants' claims. (paragraph 7 of the Office Action mailed on 10/18/2007). As discussed above, Applicants' claim 12 has been amended to further clarify that the at least one particle of at least one coating material is a solid particle, porous particle, or an agglomeration of particles and is a granule, pulverulent, powder, or sphere. The polyacrylic acid solution and/or Kymene of Dutkiewicz do not satisfy this claim limitation. Therefore, no *prima facie* case of anticipation or obviousness has been established with regard to Dutkiewicz. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection. Claims 14 and 16 depend from claim 12 and are patentably distinct for at least the same reason.

Claims 14-18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chambers and Eckert in view of U.S. Patent No. 6,376,011 to Reeves et al. (hereinafter "Reeves"). This rejection is respectfully traversed as applied to the presently amended claims.

As discussed above, the liquids cited by the Examiner in Chambers and Eckert are not a solid particle, porous particle, or an agglomeration of particles and are not a granule, pulverulent, powder, or sphere as presently claimed. Claims 14-18 depend from claim 12 and are patentably distinct over the combination of Chambers and Eckert for at least the same reason.

The Examiner has not articulated how adding Reeves cures this defect because Reeves was added to satisfy a different element. Specifically, the Examiner adds Reeves to the cited prior art stating that "It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used heated air for suspending SAP particles in the cited prior art, as taught by Reeves et al." Thus, the Examiner has not made a *prima facie* case of obviousness with regard to the combination of Chambers,

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Eckert, and Reeves. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

Claims 15-18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Tsubakimoto and Dutkiewicz in view of Reeves. This rejection is respectfully traversed as applied to the presently amended claims.

As discussed above, the liquids cited by the Examiner in Tsubakimoto and Dutkiewicz are not a solid particle, porous particle, or an agglomeration of particles and are not a granule, pulverulent, powder, or sphere as presently claimed. Claims 15-18 depend from claim 12 and are patentably distinct over the combination of Chambers and Eckert for at least the same reason.

The Examiner has not articulated how adding Reeves cures this defect because Reeves was added to satisfy a different element. Specifically, the Examiner adds Reeves to the cited prior art stating that "It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used heated air for suspending SAP particles in the cited prior art, as taught by Reeves et al." Thus, the Examiner has not made a prima facie case of obviousness with regard to the combination of Tsubakimoto, Dutkiewicz, and Reeves. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

Claims 12, and 14-18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Tsubakimoto, Chambers, Eckert, Dutkiewicz in view of Reeves. This rejection is respectfully traversed as applied to the presently amended claims.

As discussed above, the liquids cited by the Examiner in Tsubakimoto, Chambers, Eckert, and Dutkiewicz are not a solid particle, porous particle, or an agglomeration of particles and are not a granule, pulverulent, powder, or sphere as presently claimed.

The Examiner has not articulated how adding Reeves cures this defect because Reeves was added to satisfy a different element. Specifically, the Examiner adds Reeves to the cited prior art stating that "Reeves et al teach a fluidizing process that is substantially identical to that of claimed invention described in the specification as originally filed." Thus, the Examiner has not made a prima facie case of obviousness with regard to the

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combination of Tsubakimoto, Chambers, Eckert, Dutkiewicz, and Reeves. Accordingly,
Applicants respectfully request that the Examiner withdraw this rejection.

For the reasons stated above, it is respectfully submitted that all of the presently presented
claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc.
deposit account number 11-0875.

The undersigned may be reached at: (920) 721-3016.

Respectfully submitted,

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